



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Joo Hwa Tay et al.
Application No. : 10/081,700
Filed : February 22, 2002
For : **AEROBIC BIOMASS GRANULES FOR WASTE WATER TREATMENT**

Examiner : Chester T. Barry
Art Unit : 1724
Docket No. : 690105.401
Date : March 2, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOO-HWA TAY UNDER 37 C.F.R. § 1.132

Sir:

I, Joo-Hwa Tay, do hereby declare that:

1. I am one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.

2. Yu Liu is another one of the named joint inventors of the subject matter disclosed and claimed in the above-identified patent application.

3. I am aware of the Office Action, dated December 11, 2003, in the above-identified patent application, including the rejection of Claims 1, 3, 5, 6, 7, 9-13 and 15 under 35 U.S.C. 103(a) in light of the following two publications:

- a) J.-H. Tay, Q.-S. Liu and Y. Liu, "The effects of shear force on the formation, structure and metabolism of aerobic granules," *Appl. Microbiol. Biotechnol.* (2001), Vol. 57, pp. 227-233; and
- b) J.-H. Tay, Q.-S. Liu and Y. Liu, "Microscopic observation of aerobic granulation in sequential aerobic sludge blanket reactor," *Journal of Applied Microbiology* (2001), Vol. 91, pp. 168-175.

4. This *Declaration* is being submitted under the requirements of 37 C.F.R. § 1.132 for the purpose of providing evidence to the Examiner that the above-identified publications are not the work of another.

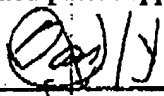
5. I am one of the named authors in both of the above-identified publications.

6. Yu Liu is also one of the named authors in the both of the above-identified publications.

7. The remaining co-author in the above-identified publications, *i.e.*, Q.-S. Liu, was working under the direction and supervision or one or more of the named joint inventors in the above-identified patent application.

8. I and Yu Liu are the only inventors of the information that was disclosed in the above-identified publications and subsequently claimed in the above-identified patent application.

I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardized the validity of the above-identified patent application and/or any patent issuing therefrom.



Signature of Joo-Hwa Tay

March 3, 2004

Date of Signature

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092, U.S.A.
Phone: (206) 622-4900
Fax: (206) 682-6031

V461455_1